

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GREGORY STEWART,

Plaintiff,

-vs-

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

CASE NO. 07-CV-11825

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

VIRGINIA A. MORGAN
UNITED STATES MAGISTRATE JUDGE

ORDER

**(1) ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION;
(2) DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT; AND
(3) GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Before the Court is the Magistrate Judge's February 5, 2008 Report and Recommendation denying Plaintiff's August 13, 2007 Motion for Summary Judgment, and granting Defendant's September 10, 2007 Motion for Summary Judgment. Neither party has filed timely objections under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d). Having reviewed the Magistrate Judge's conclusions of fact and discussion of law, the Court hereby:

- (1) **ADOPTS** the Magistrate Judge's Report and Recommendation (Doc. No. 12);
- (2) **DENIES** Plaintiff's Motion for Summary Judgment (Doc. No. 10); and
- (3) **GRANTS** Defendant's Motion for Summary Judgment (Doc. No. 11).

SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: February 28, 2008

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on February 28, 2008.

s/Denise Goodine

Case Manager